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In re Application of:	:	
Thomas Lewin	:	DECISION ON
Application No.: 10/540,679	:	
PCT Application No.: PCT/SE03/01886	:	PETITIONS UNDER
Int. Filing Date: 04 December 2003	:	
Priority Date: 23 December 2002	:	37 CFR 1.137(b) and
Atty Docket No.: 1814	:	
For: METHOD TO SUPPLY ELECTRIC	:	37 CFR 1.181
CURRENT TO A TUBE FURNACE	:	

Applicant's "Reply to Notification of Abandonment" and "Petition For Revival Of An International Application For Patent Designating the U.S. Abandoned Unintentionally Under 37 CFR §1.137(b)" filed in the United States Patent and Trademark Office (PTO) on 25 March 2008 is have been received. Applicant's "Reply to Notification of Abandonment" which is being treated as a petition under 37 CFR §1.181 to have the Notification of Abandonment withdrawn is **GRANTED**. The petition to revive under 37 CFR §1.137(b) is **DISMISSED AS MOOT**.

### **BACKGROUND**

On 04 December 2003, applicant filed international application PCT/SE03/01886. The international application claims a priority date of 23 December 2002 and designates the United States. The deadline for entry into the United States National Stage was thirty months from the priority date, that is 23 June 2005. Applicant missed the deadline by failing to pay the appropriate national fee and the application became abandoned at midnight 23 June 2005.

On 23 June 2005, applicant filed a transmittal letter requesting entry into the national phase under 35 U.S.C. 371 and an authorization to charge a deposit account for the requisite national stage fee as required by 35 U.S.C. 371(c)(1). An oath or declaration of the inventor as required by 35 U.S.C. 371(c)(4) was not submitted.

On 17 January 2008, the Office mailed applicant a Notification of Abandonment for failing to respond to the Notification of Missing Requirements mailed 19 December 2005.

On 25 March 2008, applicant filed the instant petition for revival accompanied by, *inter alia*, a declaration of the inventor as required by 35 U.S.C. 371(c)(4) and the petition fee as required by 37 CFR 1.17(m).

### **DISCUSSION**

The Notification of Abandonment mailed 17 January 2008 indicates that the instant application is abandoned for failure to timely respond to the Notification of Missing Requirements dated 19 December 2005. However, the Notification of Missing Requirements under 35 U.S.C. 371 mailed on 19 December 2005 and present in the instant application is not related to this application. It refers to a different U.S. application number, different counsel, different international application, etc. Thus, failure to respond to that Notice cannot lead to abandonment of the instant application. Accordingly, the Notification of Abandonment mailed on 17 January 2008 is **VACATED**. The aforementioned misdirected Notification of Missing Requirements will be removed from the instant application.

### **CONCLUSION**

The petition to revive the application abandoned under 37 CFR 1.137(b) is **DISMISSED AS MOOT**.

The petition to withdraw the Notification of Abandonment under 37 CFR 1.181 is **GRANTED**.

The application has an international filing date of 04 December 2003 under 35 U.S.C. 363 and a date of 25 March 2008 under 35 U.S.C. 371(c)(1), (c)(2) and (c)(4). The application is being returned to the National Stage Processing Division of the Office of PCT Operations for continued processing.



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